

GARDNER CITY COUNCIL

Agenda

City Hall – 120 East Main Street- Gardner, Kansas

Date: Monday, September 17, 2007

Time: 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Join with the Mayor in proclaiming the Week of October 7-13, 2007 as Public Power Week.

Background/Description of Item: The American Public Power Association (APPA) promotes public power as an economical benefit to electric customers within cities that have their own municipal electric system. In recognition of public power, the APPA suggests that member cities proclaim the week of October 7-13 as Public Power Week. Residents are invited to tour the Gardner Energy Center during Public Power Week. The generation staff will conduct tours of the combustion turbine area. Electric Division personnel will be on site and available throughout the entire week to answer questions regarding the City of Gardner's electric transmission, distribution and generation facilities.

Staff Recommendation: Join the Mayor in proclaiming the week of October 7 through October 13, 2007, as Public Power Week in the City of Gardner.

2. Join with the Mayor in recognizing October 7-13, 2007 as National 4-H Week

Background/Description of Item: The President of the Morning Glory 4-H Club, has requested that the City of Gardner recognize the contributions and benefits of the 4-H organization, by proclaiming the week of October 7-13, 2007 as National 4-H Week.

Staff Recommendation: Join with the Mayor in recognizing October 7-13, 2007 as National 4-H Week.

PUBLIC COMMENTS

Members of the public are welcome to use this time to make comments about City matters or items on the agenda that are not part of a public hearing.

CONSENT AGENDA

1. Standing approval of the minutes as written for the regular meeting on September 4, 2007.

2. Standing approval of the minutes as written for the special meeting on September 10, 2007.

3. Standing approval of the expenditures prepared on August 31, September 6 and September 7, 2007 in the amount of \$3,126,512.10.

4. Consider authorizing the City Administrator to extend the contract for pest and rodent control services for City buildings.

Background/Description of Item: The City's current pest and rodent control service contract was first issued October 1, 2006 to WW Pest Control for a period of one year, with the option to extend the contract for one additional year. The current contract will end October 31, 2007.



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Currently, WW Pest Control treats the Senior Building, City Hall, Public Safety #1, Energy Center, Public Works Shop, Parks Shop, Cornerstone Park, Westside Park, Celebration Park, Bull Creek Plant, Kill Creek Plant and the Hillsdale Plant. WW Pest Control is a local company that has provided reliable services and has been flexible to the City's needs. The 2006 annual contract amount is \$6,545. This annual amount will remain the one year extension for 2007. Funding for contract is available from the Public Works Building Maintenance and Park & Recreation budgets.

Staff Recommendation: Authorize the City Administrator to extend the current pest and rodent control contract for one year with WW Pest Control for \$6,545.00.

5. Consider the Acceptance of Easements and Rights-of-Way for the Final Plat for Austin Reserve; FP-07-12

Background/Description of Item: At the August 27, 2007, meeting, the Planning Commission considered the final plat for Austin Reserve, a 17.56 acre, single-family residential development containing 51 lots, located ¼ mile south of 167th Street, on the east side of Waverly Road. The application is filed by Payne & Brockway, P.A.; with engineering services provided by Payne & Brockway, P.A.

Planning Commission Recommendation/Action: The Planning Commission unanimously approved the final plat for Austin Reserve as part of the consent agenda. **Staff**

Recommendation: Accept the easements and rights-of-way for the final plat for Austin Reserve (FP-07-12); subject to the following conditions:

- a. Prior to recording of the final plat, the required excise tax shall be paid.
- b. Prior to recording of the final plat, a storm water management plan for the project shall be approved by public works staff.

6. Consider the Acceptance of Easements and Rights-of-Way for the Final Plat for Auburn Hills; FP-07-13.

Background/Description of Item: At the August 27, 2007, meeting, the Planning Commission considered the final plat for Auburn Hills, a 21-acre, single-family residential development containing 59 lots, located on the north side of 167th Street, west of Gardner Road. The application is filed by Rockwood at Prairie Highlands, LLC; with engineering services provided by Allenbrand-Drews & Associates, Inc. **Planning**

Commission Recommendation/Action: After a brief discussion, the Planning Commission unanimously approved the final plat for Auburn Hills. **Staff**

Recommendation: Accept the easements and rights-of-way for the final plat for Auburn Hills (FP-07-13); subject to the following conditions:

- a. Prior to recording of the final plat, the required excise tax shall be paid.
- b. Prior to recording of the final plat, a storm water management plan for the project shall be approved by public works staff.

7. Consider accepting a temporary construction easement for the Lincoln Lane Street Improvement Project.

Background/Description of Item: William D. and Patricia A. Gay had previously granted permanent and temporary easements and temporary easements to the City for the Lincoln Lane Street Improvement Project (No. PW0435). The easements were for the installation of a storm sewer along the east line of their property north of the intersection of Cedar Street and Lincoln Lane. The project contractor has negotiated with the Gay's to grant an additional temporary construction easement to the City to facilitate installation of the storm sewer. This easement is being granted at no cost to the City.

Staff Recommendation: Accept a temporary construction easement for the Lincoln Lane Street Improvement Project (PW0435) from William D. and Patricia A. Gay.

8. Consider accepting and authorizing payment for rights-of-way and easements for the East Santa Fe Relocation Project, PW 0409.

Background/Description of Item: The City's agent for land acquisition, The Land Company, has been in negotiations with EFM Holdings, LLC, for rights-of-way and easements required for the relocation of East Santa Fe east of Moonlight Road. A settlement has been agreed to in the amount of \$1,965.00.

Permanent Right-of-Way	139 Sq. Ft.
Temporary Construction Easement	3,516 Sq. Ft.

The payment for this right-of-way and easement will be funded from the East Santa Fe Relocation Project, Project No. PW0409.

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Staff Recommendation: Accept and authorize payment for the right-of-way and easement for the East Santa Fe Relocation Project as granted by EFM Holdings, LLC.

9. Consider accepting and authorizing payment for rights-of-way and easements for the Moonlight Road and Main Street Intersection Project, PW 0410.

Background/Description of Item: The City's agent for land acquisition, The Land Company, has been in negotiations with property owners for rights-of-way and easements required for the construction of the Moonlight Road and Main Street Intersection Project. Settlements have been agreed to with the following property owners:

Vivian Louise Plank, Trustee (Tract 91)		\$9,600.00
Permanent Drainage Easement	2,512 Sq. Ft.	
Temporary Construction Easement	7,664 Sq. Ft.	
All Rental, Inc. (Tract 5)		\$2,270.00
Temporary Construction Easement	1,079 Sq. Ft.	
Randall L. and Virginia M. McAfee (Tract 11)		\$3,760.00
Permanent Right-of-Way	338 Sq. Ft.	
Conran L. and Helen M. Bowen (Tract 39)		\$1,680.00
Permanent Right-of-Way	106 Sq. Ft.	
Temporary Construction Easement	446 Sq. Ft.	

The payment for these rights-of-way and easements (totaling \$17,310) will be funded from the Moonlight Road and Main Street Intersection Project, Project No. PW0410.

Staff Recommendation: Accept and authorize payment for permanent rights-of-way and easements for the Moonlight Road and Main Street Intersection Project.

10. Consider accepting and authorizing payment for rights-of-way and easements for the North Moonlight Road Project, PW 0506.

Background/Description of Item: The City's agent for land acquisition, The Land Company, has been in negotiations with property owners for rights-of-way and easements required for the construction of the North Moonlight Road Project. Settlements have been agreed to with the following property owners:

Jerry L. and Barbara A. Black (Tract 67)		\$7,115.00
Permanent Drainage Easement	888 Sq. Ft.	
Temporary Construction Easement	1,781 Sq. Ft.	
Martens Rentals I LLC. (Tract 83)		\$ 50.00
Temporary Construction Easement	19 Sq. Ft.	
Martens Rentals I LLC. (Tract 84)		\$ 50.00
Temporary Construction Easement	22 Sq. Ft.	
Martens Rentals I LLC. (Tract 85)		\$2,210.00
Permanent Right-of-Way	491 Sq. Ft.	
Martens Rentals I LLC. (Tract 86)		\$ 50.00
Permanent Right-of-Way	7 Sq. Ft.	

The payment for these rights-of-way and easements (totaling \$9,475) will be funded from the North Moonlight Road Project, PW 0506.

Staff Recommendation: Accept and authorize payment for permanent rights-of-way and easements for the North Moonlight Road Project.

NEW BUSINESS

1. Consider passing an ordinance Rezoning a portion of Granite Springs, located on the



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**northeast corner of the 167th Street and Waverly Road intersection from A to CP2/C-O;
Z-07-05 (PDP-07-04)**

Background/Description of Item: At the July 23, 2007, meeting, the Planning Commission opened a public hearing to consider Z-07-05 (PDP-07-04), a request to rezone 26.6 acres of property from A (Agricultural District) to CP-2 (Planned General Business District) and C-O (Office Building District). The hearing was continued to the August 13, 2007 meeting due to inadequate notification of the public hearing by the July 23, 2007 meeting. This item is very similar to what was proposed for the property in October 2006, except that a portion of the property is now requested for the C-O (Office Building District). The Planning Commission at that time had recommended approval, but City Council ultimately voted to deny that request.

Planning Commission Recommendation/Action: At the July 23 and August 13, 2007, meetings, the commissioners discussed their continuing concern regarding where commercial development for the northwest area of the City should be located. A few commissioners expressed some general agreement that a small neighborhood commercial district would be reasonable in this location, but agreed that they did not want to see commercial development on every corner of two arterial streets in the city. They felt that the C-O zoning designation would reduce the impact of the proposed development, and the commissioners generally liked the proposed plan. At the August 13, 2007 meeting, the Planning Commission voted unanimously 6-0 (Kilgore: Absent) to forward the rezoning application for Granite Springs (Z-07-05) from A (Agricultural District) to CP-2 (Planned General Business District) and C-O (Office Building District), and its associated preliminary development plan (PDP-07-04), to the City Council with a recommendation for approval, with stipulations.

Staff Recommendation: Staff's recommendation to the Planning Commission was for denial of the Rezoning Request for CP-2 and C-O zoning districts. If the City Council concurs with the Planning Commission's recommendation for approval of the CP-2 and C-O zoning districts, staff recommends that the Council approve Z-07-05 (PDP-07-04), with the following stipulations:

- a. The development shall be in accordance with Exhibit A (Preliminary Development Plan) which is filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein.
- b. The proposed development zoned CP-2 shall be limited to 120,000 total square feet of commercial development.
- c. Prior to or concurrent with the application for final development plan approval, stormwater detention plans and calculations shall be submitted for review and approval by public works department staff.
- d. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development department staff.
- e. The private street drive located 450 feet north of the intersection of 167th Street and Waverly Road may be limited to right-turn-only movements in the future when Waverly Road is widened to a standard City thoroughfare, or at such time as the City determines that restricting turning movements is needed to alleviate safety or operational problems.
- f. Prior to the issuance of building permits, the Planning Commission shall approve final development plan(s) for the CP-2 zoned area this subject property.
- g. Concurrent with construction of any new commercial structure and prior to the issuance of any form of Certificate of Occupancy, the developer shall construct right and left turn lanes and acceleration lane(s) on 167th Street.

The City Council has the following action options for the rezoning request:

- The Council can concur with the Planning Commission recommendation, and pass an ordinance approving Z-07-05 to rezone property to the CP-2 (Planned General Business District) and C-O (Office Building District) with a simple majority vote of the Council;
- The Council can override the Planning Commission recommendation for approval of the Rezoning Request Z-07-05 and deny the requested CP-2 (Planned General Business District) and C-O (Office Building District) zoning with a 2/3rd majority vote of the Council; or,
- The Council can return Rezoning Request Z-07-05 to the Planning Commission for further consideration, stating the specific reasons for the Council's failure to approve or deny the rezoning request.

2. Consider adopting a resolution repealing Resolution No. 1678 and establishing an account with the State of Kansas Municipal Investment Pool.

Background/Description of Item: The City uses the State of Kansas' Municipal Investment Pool for the purpose of investing debt proceeds. When establishing an account, the State requires the City to designate the

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persons authorized to conduct business for the City. The current resolution has the previous Accounting Manager authorized to conduct business for the City. This resolution will supersede the previous resolution, effectively removing her.

Staff Recommendation: Adopt Resolution No. ____ repealing Resolution No. 1678 of the City of Gardner, Kansas and establishing an account with the State of Kansas Municipal Investment Pool.

3. Consider authorizing the City Administrator to execute a contract with Teague Electric for the construction of an emergency traffic signal for the Public Safety building on Main Street.

Background/Description of Item: The 2007 Capital Improvement Reserve Fund budget includes \$70,000 for the installation of an emergency traffic signal at the Public Safety building on Main Street. Currently, when the fire engines leave the station for an emergency they are required to wait until there are no vehicles before they pull out onto Main Street. When the fire engines return to the station they use all four lanes as they back up into the Public Safety stalls, which sometimes creates an unsafe situation for drivers who do not want to stop when the fire engines are backing up. When this traffic signal is installed, traffic will be stopped in both directions using the traffic signal, which will allow the fire engines to back up in a safe manner. Staff retained Olsson Associates for \$8,200 to develop plans necessary to secure Kansas Department of Transportation approvals and for bidding. Invitations to bid for the construction of the emergency signal were submitted to four firms and advertised in the paper. Two bids were received and publicly opened on September 4, 2007. The bids were:

<u>Bidder</u>	<u>Bid</u>
Custom Lighting Services	\$75,900.00
Teague Electric	\$56,960.00
Engineer's Estimate	\$62,597.48

Teague Electric was the low bidder and has performed good work on projects within the City in the past; therefore, staff recommends award of the contract to Teague Electric for the total bid price of \$56,960. The cost for this project will be paid from the Capital Improvement Reserve Fund, Project Number PW0707.

Staff anticipates that construction of this project will begin in December 2007 and it should be completed within approximately 30 days or less.

Staff Recommendation: Authorize the City Administrator to execute a contract with Teague Electric for the construction of an emergency signal for the Public Safety building on Main Street in an amount not to exceed \$56,960.

4. Consider authorizing the City Administrator to purchase a Mini Unicus 6000 PSI / 10 HP 3 PH with CO monitor and remote fill for Public Safety Station No. 2 from Conrad Fire Equipment.

Background/Description of Item: As a part of the construction and completion of Public Safety Station No. 2, there is a need to purchase a breathing air compressor to fill self contained breathing apparatus (SCBA) bottles. This type of air compressor has special filtering built in allowing for breathable air and makes this type of air compressor considerably more expensive than a traditional air compressor. Currently, Public Safety fills bottles off a cascade system and has them delivered. Normally, only half of the air in the units are utilized in a single use. The bottles are sent out for refilling when they are half full. This is an inefficient process.

Bids were received from the following vendors The Conrad bid includes freight, start up, and an air quality test by a technician.

Conrad Fire Equipment	\$ 31,285.91
Bauer Breathing Air	\$ 35,256.00
North Central Air	\$ 32,875.00

Staff Recommendation: Staff recommends authorizing the City Administrator to purchase a Mini Unicus 6000 PSI / 10 HP 3 PH with CO monitor and remote fill for Public Safety Station No. 2 from Conrad Fire Equipment.

ADJOURNMENT



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